

The Ohio River

Over the centuries, American Indians, French, English, Spanish, and Americans, have sought for control of the mighty Ohio River. Whoever controlled the river, held a strategic and economic advantage.

After Kentucky, Ohio, Indiana and Illinois became states, they have litigated over where the “exact” state boundaries of the Ohio River were, and are. Years of litigation have taken place and issues continue today. following is a sampling of newspaper articles from 1820 to the present day.

March 14, 1820

It was determined by the United States Supreme Court in *Handly's Lessee v. Anthony* (1820), 18 U.S. 374, that Indiana's southern boundary extended only to the northern bank of the Ohio River and not to the middle of the river.

May 20, 1890

Handly's Lessee v. Anthony conclusion was reaffirmed in *Indiana v. Kentucky* (1890), 136 U.S. 479, and the boundary was established at the low water mark at the northern bank of the Ohio River in 1792, the year of Kentucky's statehood.

SUPREME COURT DECISIONS.

Green River Island—Ruling Against Polygamists—Meat Inspection Law Unconstitutional.

WASHINGTON, May 19.—In the suit between the States of Kentucky and Indiana over Green river island, situated on the northern side of the Ohio river, very near Indiana, the Supreme Court of the United States, in an opinion to-day by Justice Field, holds that the island belongs to Kentucky.

The contention between the States of Indiana and Kentucky over the Greene River island was decided by the Supreme Court to-day in favor of Indiana, the court overruling the exceptions taken by the State of Kentucky to the report of the commissioners. The two States have an award of \$2,236.60 to pay as compensation to the commissioners, Messrs. Menzies, Stickney and Alves, for their services.

* * *

May 19, 1896

In 1896, the United States Supreme Court, in *Indiana v. Kentucky* (1896), 163 U.S. 520, fixed the Indiana-Kentucky boundary for approximately 3.6 miles in Vanderburgh County. This "Green River Island" dispute, caused by the change in the channel of the Ohio River, was settled by a survey under the authority of C.C. Genung for the commissioners appointed by the United States Supreme Court.

February 24, 1904

In the case of *Wedding v. Meyler* (1904), 192 U.S. 573, “concurrent jurisdiction” over the Ohio River was given respectively to Kentucky and Indiana by the Virginia Compact, 1789.

1. News

SUPREME COURT HANDS DOWN A LARGE NUMBER OF IMPORTANT RULINGS

e Louisville Stockyards Case Decided in Favor of the Louisville & Nashville Railroad.

5 OHIO RIVER JURISDICTION

, Decision in the Al Adams Case, Involving Constitutional Rights —Chicago Filled Cheese Case.

Special to the Indianapolis Journal.
WASHINGTON, Feb. 23.—A number of important decisions were handed down in the United States Supreme Court to-day, among them being the Indiana-Kentucky case involving jurisdiction over the Ohio river, the Louisville stockyards case.

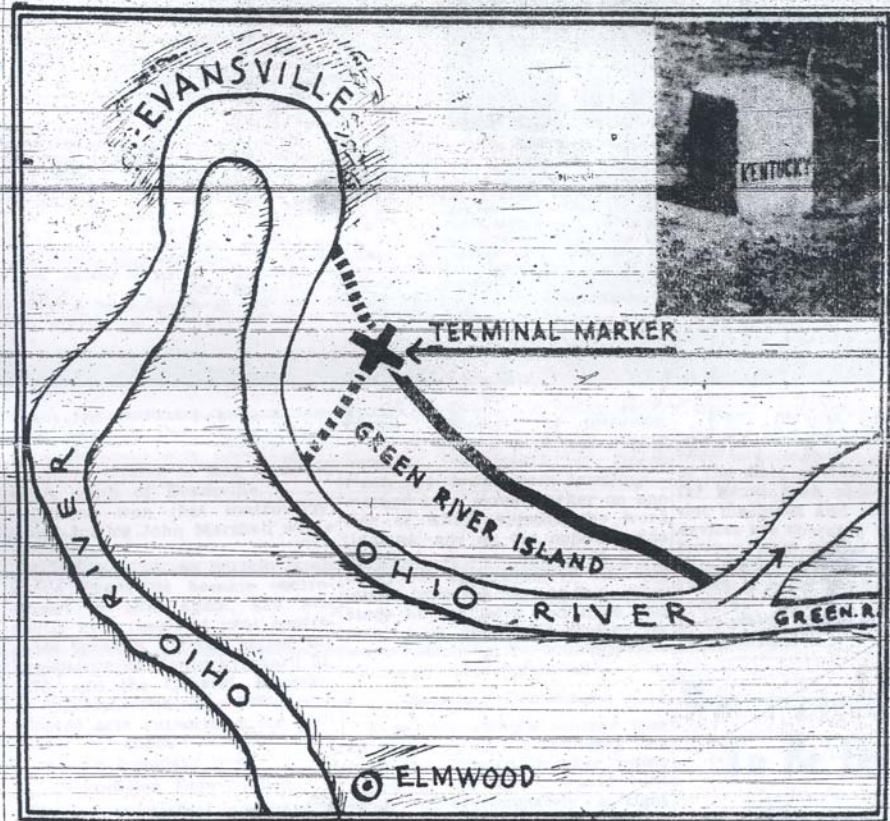
W. H., Martinsville—Why do Indiana fishermen have to purchase Kentucky and West Virginia state licenses to fish in the Ohio river? —Because Kentucky and West Virginia have jurisdiction over the Ohio river along their shores as far as the low-water mark on the Ohio, Indiana and Illinois banks. The Northwest Territory, from which Illinois, Indiana and Ohio were carved, was ceded to the federal government in 1784 by the commonwealth of Virginia. The resolution of cession retained title and jurisdiction over the Ohio river to the low-water mark on the northern bank, and these rights were transmitted to Kentucky and West Virginia when they were later formed from Virginia territory. Thus it is possible for a person to violate a Kentucky law by fishing on the Indiana and Ohio side of the river. This boundary line has been judicially recognized many times by the supreme court of the United States and the supreme courts of the states involved.

December 8,
1937

June 4, 1939

“Indiana is trying to gain territorial possession of a 2,000 acre no man’s land, the Dade park area near Evansville, from Kentucky. Green River island, on this side the Ohio river, is not policed. Kentucky authorities overlook it and Indiana police have no authority. Evansville claims it is a hot bed of vice and lawlessness. Gambling, dancing, and liquor resorts run wide open.”

OHIO RIVER VAGARIES CONFUSE KENTUCKY-INDIANA LAND FIGHT



The accompanying map shows the Green River Island territory which Indiana hopes to take over from Kentucky. The continuous line shows the boundary established by commissioners appointed by the United States Supreme Court, to the point marked "terminal." There the survey stopped and the remainder of the territory periodically is involved in interstate disputes. The dotted line from that point to the river shows the Indiana-claimed boundary, while the one extending in the same direction with the court-established boundary is the boundary line claimed by Kentucky. (Inset) The "terminal" marker, one of several stone markers Evansville officials were able to find.

Indiana

STATE BOUNDARY PARLEY PLANNED

**Governors of Kentucky,
Indiana to Meet to
Adjust Dispute.**

Governor M. Clifford Townsend of Indiana and Governor Keen Johnson of Kentucky are planning to hold a parley which may solve two major problems confronting the two states.

They are:

1. The boundary dispute between the two states at Evansville.
2. The question of what shall be done about Green River island, the gambling haven on Kentucky land which adjoins Evansville on the Indiana side of the Ohio river.

Governor Townsend and Governor Johnson have agreed to hold a conference and talk over these problems. William E. Treadway, executive secretary of the Indiana Commission on Interstate Co-op-

November 27, 1940

“The first matter the Governors will discuss will be a survey to determine the exact status of the Evansville waterfront. Kentucky often has claimed that a part of the Evansville waterfront, as well as all of the river, is part of Kentucky land.

The Evansville water supply comes from pipes laid in the Ohio River, and on these pipes

Evansville must pay taxes to Kentucky.”

December 20, 1940

“... officials of the Bluegrass state made it clear that they would not cede one foot of no man's land at Evansville, but will arbitrate the question of a new boundary line.”

VOL. 38. NO. 198.

The Day In Indiana

By MAURICE EARLY

Boundary Dispute.
Ready to Arbitrate.
Back Taxes Sought.
Refuse to Sell.
Truck War Looms.

Frankfort, Ky., Dec. 19.

AT A CONFERENCE of the governors of Indiana and Kentucky in the executive mansion here today officials of the Bluegrass state made it clear that they will not cede one foot of no man's land at Evansville, but will arbitrate the question of a new boun-

February 3, 1941

“At least 4,085 acres of the sandbar oil land, some of which is under water, is believed to belong to Indiana and sovereign right to the land is important to both states if rich oil deposits materialize, because lucrative oil territory yields large amounts of taxes. Settlement of the dispute, however, believed to have been started on its way at a conference of Governors of the two states last December, now seems to be bogging down.”

City □ C

Claim to Oil Deposits Under River Fans Indiana-Kentucky Boundary War

Claims to rich oil deposits under Ohio river sand bars in vicinity of Evansville yesterday added to the knotty problem of the boundary dispute between Indiana and Kentucky.

The sandbar land, built up by the river's current, is near the "Green river" island "No Man's Land" composed of palatial and rickety gambling casinos and a horse race track which is under Kentucky jurisdiction, but unpoliced. It is on Indiana's side of the river.

This island figures in the boundary dispute, as well as the Evansville river front.

Important to Both States.

At least 4,085 acres of the sandbar oil land, some of which is under water, is believed to belong to Indiana and sovereign right to the land is important to both states if rich oil deposits materialize, because lucrative oil territory yields large amounts of taxes.

Settlement of the dispute, however, believed to have been started on its way at a conference of Governors of the two states last December, now seems to be bogging down.

The two Indiana members of the Indiana-Kentucky Boundary Board created at the conference now are no longer state officials and the board has not functioned, although it was scheduled to have met last month.

Meeting Is Paced Up.

and-dried results" of an agreement would be announced.

It was expected that an announcement would be made that the Evansville water works and river front occupied no part of Kentucky's Green river island possessions and that with the opening of the Evansville-Henderson (Ky.) bridge across the Ohio to toll-free traffic next month, the lawless area of ornate and sleazy night spots would be policed by Henderson county (Kentucky) officials and its property protected by the Henderson fire department. Except claimants to river sandbars, everybody was to agree to the settlement.

Want to Drill.

Settlement of the boundary dispute was to have cleared the way for leasing the sand bars. Drilling exploration, it was hoped, would be started by spring.

Henry B. Walker, an Evansville attorney representing landowners of the Indiana side, is now seeking a decision concerning the freak sand strips formed on the northern banks. He has filed claims for the title at Frankfort, Ky., and also in Vanderburg county. Until

February 21, 1942

“The boundary line proposed in a bill . . . would make the boundary follow the one established by the United States Supreme Court decision in 1896 . . . Kentucky’s proposal would fix the boundary . . . so that the Evansville water works would be nearly a quarter of a mile from the boundary.”

Kentucky Proposes Boundary Settlement Leaving Evansville Utility In Indiana

Frankfort, Ky., Feb. 20.—(AP)—Settlement of the long-standing Indiana-Kentucky boundary dispute by fixing a line that would leave the Evansville city water works entirely within Indiana was proposed in the Kentucky General Assembly today.

The boundary line proposed in a bill offered in the House by Democratic Floor Leader Henry Ward would make the boundary follow the one established by the United States Supreme Court decision in 1896, as far as can be determined, said State Highway Commissioner Thomas H. Cutler.

Old Markers Found.

He said the old markers had been found except for a few hundred feet at each end of the line marked after the 1896 decision. He added that Kentucky’s proposal would fix the boundary at the unmarked east end so that the Evansville water works would be nearly a quarter of a mile from the boundary.

For years Kentucky has questioned whether part of the water works lay on her side of the boundary and, therefore, was sub-

ject to its taxes, and Indiana complained of lack of law enforcement in a roadhouse area which lies much nearer Evansville than Henderson, Ky.

River Changed Course.

Confusion over the boundary resulted more than 50 years ago when the Ohio river changed its course after a flood.

Mr. Cutler and Highway Commissioner J. Lyter Donaldson were

appointed by Governor Keen Johnson to represent Kentucky in an effort to agree with two Indiana commissioners on the proper boundary.

Mr. Cutler said he signed the boundary agreement, but had not been advised whether both the Indiana representatives had signed it. He said that Mr. Donaldson was waiting for Indiana to agree before he signed.

The boundary bill provides that if it is enacted by the Kentucky General Assembly and the Indiana Legislature, it would require approval of Congress before becoming valid.

Air Transport Service Resumed at South Bend

South Bend, Ind., Feb. 20.—(Special)—Air transport service from South Bend Airport was resumed tonight after two weeks’ suspension caused by destruction of the airport administration building by fire.

Workmen today completed installation of control tower equipment in a temporary frame building. St. Joseph county officials have started legal steps to issue \$215,000 worth of bonds to pay for a modern administration building. The port is served by TWA, American Airlines and United Air Lines.

Hears Grandson Reaches Safety From Philippines

English, Ind., Feb. 20.—(Special)—Commander Howard Harper of the navy air force was evacuated safely to Australia after being wounded in the Philippines while serving under Gen. Douglas MacArthur, according to a message received by his grandfather, John Harper, farmer of near near English. Commander Harper is a son of Mr. and Mrs. Edgar Harper of Salem, Ore.

Willis Offers Bill to Change State Boundary

The Indianapolis News Bureau,
608 Albee Building.

WASHINGTON, May 25.—Senator Raymond E. Willis, with the cooperation of Senator Frederick Van Nuys and Senators Alben Barkley and A. B. Chandler, of Kentucky, Monday offered a resolution to change the boundary line between Indiana and Kentucky.

The proposed change has been endorsed by the legislatures of the two states in legislation last winter that was approved by the Governors of the states.

It was first proposed by the Indiana commission on interstate cooperation, of which L. Hewitt Carpenter, of Indianapolis, is executive secretary.

May 25, 1943

“The new boundary, as established by identical laws enacted by the Indiana and Kentucky general assemblies, generally affects only the ground on which the Evansville power plant is located. A change in the river’s course left the plant within the state of Kentucky and brought about the conferences which resulted in the boundary legislation.”

The state laws would only take effect if ratified by the U.S. Congress.

July 1, 1943

"The agreement gave Kentucky several hundred acres north of the Ohio, including Dade park race track near Henderson." Kentucky got most of Green River Island.

Roosevelt Signs Indiana-Kentucky Line Settlement

WASHINGTON, July 1 (AP)—An agreement between Indiana and Kentucky settling an old boundary dispute had the government's blessing and President Roosevelt's signature Thursday.

Representative Beverly Vincent (D., Ky.), author of the measure, which is based on a boundary line set by a commission of the two states, said the argument went back "nearly 200 years."

That would make the difficulty older than the two states, and Representative Vincent said the controversy arose from the first use of the Ohio river by explorers. He said the dispute was in full swing when Kentucky was a part of Virginia territory and what is now Indiana was under the control of France.

Mr. Vincent said the agreement gave Kentucky several hundred acres north of the Ohio, including Dade park race track near Henderson. "We get practically all the land on what is called Green River island," he said, "though it isn't really an island now."

The legislatures of Kentucky and Indiana approved the new boundary.

Bill Would 'Divvy Up' Ohio River

By HORTENSE MYERS, UPI Reporter

An Indiana woman legislature may become the patroness of Hoosier boat owners if a bill she is preparing to introduce achieves its purpose.

Elsie Barning, Evansville, who first began service in the House in 1949, has a resolution that calls on Congress to divide the Ohio River evenly between Indiana and Kentucky, "where it rightfully belongs."

Back of the resolution is a lively feud that has been getting bigger with every new boat owner. Mrs. Barning explained that Kentucky, which came into the Union ahead of Indiana, has always claimed all the river up to the Indiana shoreline.

Kentucky requires all boats operating on the Ohio between the Blue Grass state and Indiana to buy \$10 licenses from it. The Indiana licenses cost only \$1 a year. In addition, Hoosier fishermen and duck hunters must have Kentucky licenses in addition to those from their own state, if they are along the Ohio.

THINKS SITUATION HURTS TOURISM

Mrs. Barning, who has the backing of Indiana conservation director Donald E. Foltz, said she thinks Kentucky's insistence is hurting tourism in southern Indiana.

She said she hopes to get the support of Ohio and Illinois in the congressional reso-

lution since they also are on the north side of the river and would benefit by a middle-of-the-river dividing line.

Foltz said that in addition to Mrs. Barning's bill, efforts still are being made to work out reciprocity with Kentucky for Indiana's boat owners. He said the situation has been of increasing importance because millions of dollars in federal funds are being used to create "what amounts to a chain of lakes" along the Ohio.

INDIANA'S LAND BELOW

"The land under those lakes is partly Indiana land," he said. A new series of dams, including two at Markland and Cannelton, is scheduled for the Ohio and will form a series of lakes in place of the old dams.

Foltz said that if Mrs. Barning's bill and reciprocity efforts do not work, "a friendly suit before the U.S. Supreme Court" may be attempted.

"We've been on the tail end of this deal too long," he said.

January 15, 1963

Council Faces Boundary Issue

If Indiana builds a port on the Ohio River, will Kentucky be able to tax it?

The decades-old boundary question goes before the Legislative Council tomorrow because the General Assembly already has earmarked nearly \$2.5 million for work on the barge port downstream from Evansville.

Kentucky claims the river, and Indiana's intermittent efforts to prove otherwise never have gotten anywhere.

The claim goes to the low-water mark at the time Kentucky became a state. Because of it, part of the land on the Evansville side has been accepted as Kentucky property and Kentucky regulates a pari-mutuel horse race track there — Ellis Park.

A council staff report, prepared by A. J. Proctor, senior research analyst, indicates

Congress, defining the boundary and providing for reciprocity.

The highway commission still has \$38,894.66 left from a \$50,000 allocation in 1965 to study the matter.

Other matters going before the council tomorrow include proposals for an automatic bill-drafting system using computers; remodeling council offices in the Statehouse at an estimated cost of \$13,000; additional staffing in the council's fiscal analysis division to check up on state government spending programs; remodeling fourth floor Statehouse rooms pending remodeling of the Senate chamber and additional reports by several legislative task forces, including those studying pensions, welfare and business taxes.

July 27, 1971
A new Indiana port.
The same old question.

December 2,
1971

Kentucky Has Crept 600 Feet Since 1792?

STAR STATE REPORT

Bloomington, Ind. — The low water mark on the north bank of the Ohio River has moved as much as 600 feet into Indiana since 1792, according to an Indiana University School of Law professor.

In 1792, the Ohio River boundary of Kentucky was set as the low water mark on the north bank.

To prove his contention, Leon H. Wallace has done extensive research that has led him to libraries, national and state archives and to



LEON H. WALLACE

boundary in 1792 when Ken-

February 24, 1978

FRIDAY, FEBRUARY 24, 1978

THE INDIANAPOLIS STAR

NUCLEAR PLANT BUILDING DELAY COSTLY

States Fight For Ohio River Border Rights

By BRUCE C. SMITH

STAR I.U.-BLOOMINGTON BUREAU

Madison, Ind. — The 176-year old dispute between Indiana and Kentucky about the location of their shared Ohio River border has become an expensive delaying factor in construction of Public Service Indiana's Marble Hill nuclear-fueled electric generating plant near Madison.

Kentucky claims its boundary is the low water mark on the Indiana side of the river.

The Federal Nuclear Regulatory Commission (NRC) Appeals Board has ordered the Atomic Safety and Licensing Board to determine if wastes from the plant,

including some radioactive-contaminated water, would pour on the Kentucky side of the river.

If the licensing board decides that Kentucky's side would be endangered, the NRC would refuse to issue its final construction permit until PSI had received a state stream pollution permit from Kentucky.

Tom Dattilo, a Madison attorney representing some of the Indiana environmental groups opposing the plant, said that considering the high level political pressure against the plant from Kentucky, PSI would never get a state permit from there.

The Indiana electric utility has a stream pollution permit from Indiana which was the only state permit previously required by the Federal NRC.

Kentucky Gov. Julian Carroll and other leaders from that state have campaigned for election vowing to fight the plant's construction on the Indiana side of the river 31 miles upstream from Louisville.

LAST YEAR, the licensing board refused to hear testimony about the interstate dispute over the border location in the river during safety hearings held in Madison. That ruling was on the grounds the subject was not relevant.

The appeals board order says the licensing board must determine the river ownership question and may schedule more public hearings or ask both sides to submit written legal arguments and testimony.

No time limits for that process were set in the appeals board order except that the work was to be done as quickly as possible.

The appeals board denied all of the other arguments

THE DISPUTE between Indiana and Kentucky was born when Kentucky became a commonwealth in 1792 and the low water mark on the north bank of the Ohio River was fixed as the boundary.

Kentucky state officials have interpreted that to mean the river belongs to Kentucky.

Since 1792, the river current has washed out the bank soil in most places and effectively moved the river bed and the low water mark. Construction of the Markland Dam and other water impoundment structures by the U.S. Army Corps of Engineers on the Ohio has permanently raised the water level several feet to allow for barge traffic.

In lawsuits, including a suit pending in the U.S. Supreme Court, Indiana has maintained that the border is the 1792 low water mark while Kentucky claims the line moves as the river moves.

The Marble Hill environmental impact statement shows a diagram in which the plant's waste water discharge pipe extends 50 feet into the river from the Indiana shore.

PSI's claim that the pipe does not cross the 1792 low water line was the basis for the argument the utility has not needed to seek any Kentucky stream permits.

Marble Hill, proposed by PSI in 1973, could be generating power by 1982 if not delayed, according to PSI spokesman David Vincent in Plainfield.

PSI officials have said that each month of delay in construction increases the price about \$15 million.

CORRECTION

On Page 36, of the Indianapolis Star, Thursday, February 23, the prices for the \$189.95 and \$179 dryers are for the electric models. The gas dryers are \$40 more.

We apologize for the inconvenience to our customers.

Sears

ROSE, BROS. AND CO.

April 6, 1978

PSI Nuke Power Plant Opposition Continues

Louisville, Ky. (UPI) — State Attorney General Robert F. Stephens pledged Wednesday to continue opposing a nuclear power plant near Madison, Ind., on the basis of Kentucky's historic claim to the ownership of the Ohio River.

Stephens said that "historically and legally the state of Kentucky has owned the Ohio River" where Public Service Indiana hopes to dump runoff water from the nuclear power plant it is constructing at Marble Hill 30 miles northeast of Louisville.

PSI plans to draw water from the Ohio

to cool the power plant and then pump that water back into the river on the Indiana side.

Stephens said that PSI must receive a permit from Kentucky for the right to use river water and to dump the cooling water back into the Ohio.

"We take the position that any action putting those pipes in would require a permit," said Stephens, who added that the requirement to obtain a Kentucky permit would extend to any PSI outflow pipes installed along Ohio River tributaries.

Kentucky traditionally has claimed ownership of the entire river up to the "mean low water mark," meaning virtually the entire waterway. The ownership question is before the U.S. Supreme Court on an unrelated matter.

Stephens' argument is that the Marble Hill waste water will be dumped into the Ohio River and thus into Kentucky.

PSI has argued that dam construction has raised the level of the Ohio River and the proposed water pipes will be built

over areas that always have been regarded as part of Indiana.

Stephens also said he would consider appealing Tuesday's decision by the federal Nuclear Regulatory Commission granting final approval to PSI to build the plant on the banks of the river.

The attorney general said any decision to appeal the NRC ruling would be made in conjunction with Jefferson County Attorney J. Bruce Miller and various groups which have opposed the Marble Hill plant on environmental grounds.

December 21, 1978

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THE INDIAN

Indiana-Kentucky Boundary Hassle Heads For Top Court

By BILL PITTMAN

The News Indiana-Bloomington Bureau

The boundary dispute that has kept Indiana and Kentucky at odds since early in the 19th century is heating up again with the latest skirmish to be fought in the U.S. Supreme Court.

Robert Bogard, deputy attorney general of Indiana, is preparing a brief to be filed with the Supreme Court early in

January in answer to a Kentucky suit put before the court in mid-November.

Kentucky has asked the simple question, "Who owns the Ohio River?"

"We are going to fight," a spokesman for the Indiana attorney general's office said. "We think Kentucky wants to have its cake and eat it too."

In its petition, Kentucky claims ownership of the Ohio "to the low water

mark of the present north shore wherever it may be from time to time. Kentucky recognizes the Ohio River boundary is subject to gradual change by erosion and accretion."

In the same brief, Kentucky acknowledges that "Indiana claims the boundary is static and unchangeable at the northern low water mark as it existed in 1792 when Kentucky was admitted as a state."

July 22, 1981

Setback For Kentucky:

Appeals Court Ruling Favors Port Project

Gary Tyler and other proponents of the Clark Maritime Centre are hopeful that "the crown jewel of the Indiana waterways system" will soon be sparkling.

A ruling yesterday by the 6th Circuit U.S. Court of Appeals in Cincinnati has afforded the backers of the controversial port at least a glimmer of hope that their "crown jewel" will shortly bedeck the Ohio River.

"We're very much hopeful that the issues have been resolved," said Tyler, executive vice-president of the Clark County Chamber of Commerce Inc. "We're going to be very much supportive of the Indiana Port Commission and the state of Indiana to facilitate the development of the port. The Clark Maritime Centre will be the crown jewel of the Indiana waterways system."

Kentucky Loses

The Court of Appeals ruled against Kentucky in the dispute over the location of the port facility. The port and a related industrial park are to be located on the north bank of the

Tyler explained. "I've consulted with some lawyers who have told me that River Fields and the others would probably have to post a bond that — if they lost — would force them to forfeit that bond in recompense for any costs incurred by the Indiana Port Commission because of the delay."

Tyler asserted that River Fields' contention that the EIS was inadequate was an invalid claim. He said that the port commission and the Corps of Engineers "thought they had done a very thorough job." Tyler said a 1971 study commissioned by the commission "charged with determining which areas would be economically feasible for the port" determined that only two sites — Jeffersonville and New Albany — were feasible. Tyler indicated that the study included possible sites from Tell City to Cincinnati.

Permission Delayed

After the 1971 study and other reports were completed, the port commission applied for a construction permit in 1974.

"We've contended that it is an economic concern that is motivating some quarters that are opposing the port. The State of Kentucky and Jefferson County have so much invested in their port that they may fear that our port will detract from the Kentucky port."

Economic Boon

The Clark Maritime Centre will handle "light industrial activities," said Tyler. The port will load and unload agribusiness products, manufactured goods and energy products.

Tyler said the port will be an economic boon for Southern Indiana and the metropolitan area.

"In the EIS, the economic section indicated strongly that a minimum of 2,900 jobs would be created by the port," Tyler said. "If we could cement some good relationships with Kentucky, we could do some great things together."

Tyler said that if no appeal is made, the port could be operative by late 1983 or early 1984.

"We're hopeful that by early 1984 we'll be able to welcome

November 5, 1985

And yet again!

Supreme Court sets new river boundary for Kentucky, Indiana

By MIKE BROWN

Courier-Journal Staff Writer

WASHINGTON — The U.S. Supreme Court yesterday established a new boundary between Kentucky and Indiana, giving the Hoosier state more of the Ohio River than it had.

In a one-page decree, the court approved a border worked out earlier by a "special master" appointed by the court to hear technical evidence on the issue.

Both states had agreed to accept the master's finding, and yesterday's court action was expected.

The new boundary actually represents the re-establishment of the original line, which was the low-water mark on the north side of the Ohio River when Kentucky became a state in 1792.

Natural forces and man-made dams have moved the river northward over the years, but in 1980 the Supreme Court ruled that the true boundary remained the 1792 low-

water mark — not the current low-water mark, which both states had been observing for years.

It was the special master's job to determine just where that 1792 line was. His finding, which the court approved yesterday, puts the new border at varying distances from the Indiana shore but at no point closer than 100 feet.

Ohio had a similar border dispute with Kentucky, and the court approved the master's finding in that case in April.

Kevin Noland, general counsel in the Kentucky attorney general's office, said Attorney General David Armstrong will meet next week with the Legislative Research Commission to discuss changes in state laws to reflect the court action.

For example, on common bodies of water along Kentucky's southern border, he said, the state accepts

See SUPREME

PAGE 3, col. 1, this section

Indiana is not the only state that has found itself engaged in litigation with Kentucky over the boundaries of the Ohio River.

Illinois and Ohio have at one time or another found themselves disputing Kentucky's claim to the Ohio River.

January 7, 1990

Illinois and Kentucky at Odds Over a Disputed River Border

AP

LEAD: A dispute between Illinois and Kentucky over a stretch of the Ohio River has lawyers researching sand, riverboats and fishing licenses.

A dispute between Illinois and Kentucky over a stretch of the Ohio River has lawyers researching sand, riverboats and fishing licenses.

Lawyers for the two states met here on Thursday with a retired judge, who was appointed by the United States Supreme Court to hear evidence and make a recommendation in the decades-old border fight. Kentucky says its border with Illinois is the northern bank of the river; Illinois contends the border is 100 feet from the shore.

A lawyer for Illinois argued that legal precedents are in his state's favor, but a lawyer for Kentucky contended that Illinois forfeited any claim by refusing to provide emergency service on the disputed part of river.

The battle concerns more than just lines on a map.

Complaints Over Licenses

Illinois fishermen complain that Kentucky officials have demanded that they buy Kentucky licenses to fish from the Illinois shore.

After attempts to resolve the complaints failed, Attorney General Neil Hartigan of Illinois took the case to the United States Supreme Court in 1986. The court appointed Matthew J. Jasen, who had retired that year after 18 years with New York State's highest court, the Court of Appeals, to hear evidence.

In arguments today, Rickie L. Pearson, an Assistant Attorney General in Kentucky, cited the practice of coroners. Illinois coroners telephone their Kentucky counterparts before issuing death certificates for drowning victims, Mr. Pearson said. The practice, he said, shows that Illinois coroners think the river is in Kentucky.

But John J. Brunzman, an Assistant Attorney General in Illinois, said the Kentucky coroners acknowledge Illinois's jurisdiction by releasing bodies to that state.

monday, february 11, 2008

Kentucky Fights Ohio Over a Rock!

The New York Times has one of the greatest newspaper articles I've read in a long time. It concerns Ohio, Kentucky, and a rock. When all three converge you know that a' trouble's a' brewin'! I will summarize the article but you really need to get the information straight from the Times, if only because it's very well written.



In Portsmouth, Ohio, local historian Steve Shaffer had a lifelong obsession with a local landmark called Indian Head Rock. The rock is famous for a stick figure drawing of a face of unknown origins as well as the names of many Portsmouth families from yesteryear whose ancestors still reside there today (yes, this is in Southern Ohio). The stick figure head is thought to be a Native American petroglyph, hence the name Indian Head Rock. When the Ohio River's water line rose due to dam construction, the rock was lost to time. Shaffer, remembering the rock in his local history course in middle school, decided in his adult years to take a diving team into the Ohio River and after a difficult search recovered the rock from the river floor.

After raising the rock, however, Ohio's neighbors to the south became upset. That's right, Kentucky thought we were stealing their rock! Apparently there is a shortage of rocks in Kentucky just as there is a shortage of college degrees and family trees. There are, however, a plethora of mullets and racists. The Kentucky legislature passed a bill demanding that the rock be returned. One of their legislators even suggested a raiding party. Not to be outdone one of our House members declared

February 11, 2008

In 2007, Steve Shafer, an Ohio native, raised a huge boulder from the bottom of the Ohio River. For over a century, the boulder has been known as Indian Head Rock, because of what some believe are Indian lithic carvings. Modern dams on the Ohio River left the rock submerged in thirty feet of water.

Immediately, Kentucky demanded the rock, stating the Ohio River bed belonged to Kentucky and therefore, the rock was Kentucky's property. Kentucky's General Assembly even passed a resolution

condemning the
act of piracy

June 20, 2008

And so, the Ohio River
boundary dispute goes
on!

Ohio historian indicted for moving huge rock

Ohio historian indicted for resurrecting rock

By Stephenie Steitzer
ssteitzer@courier-journal.com

An Ohio historian may be caught between a rock and some hard time.

Nine months after Steven Shaffer of Ironton, Ohio, led an effort to remove an 8-ton boulder from the Ohio River, a Greenup County, Ky., grand jury has indicted him on a felony charge for removing the historic rock. Now Shaffer faces a criminal charge of removing an object of antiquity, a Class D felony that could earn him one to five years in prison.

The rock, which Kentucky contends was on its side of the river, is listed on the state's official antiquities register. Kentucky law requires that a permit be obtained from the Office of State Archaeology before an object on the register is removed.

Shaffer said yesterday that he had not received official notification of the indictment and planned to check with authorities to determine his next step. He said he plans to fight the charge.

"I'm really surprised," he said. "It's not about historic preservation, we all know that. It's about revenge."

He added: "It just amazes me that it ... couldn't have been resolved any other way."

The indictment is the latest chapter in an unusual battle that has generated stories in The New York Times and on CBS News.

Shaffer has not disputed allegations that last September he and a group of divers found the boulder and removed it from the river.

The rock, which is about 4 ½ feet tall and 6 feet wide, contains carvings of a crude face -- possibly done by prehistoric Indians -- and names of Portsmouth, Ohio, families from the early 1900s.

The rock was once a navigational marker and an attraction for locals who ventured out into the river to carve their names into it. But at the time it was removed, it was submerged in the river and hadn't been seen since the 1920s.

It is now stored in a city garage in Portsmouth, which wants to put it on display at a tourist welcome center because of its historical significance.

Greenup Commonwealth's Attorney Cliff Duvall said yesterday that extradition proceedings, which could take several months, would begin soon if Shaffer does not turn himself in to Kentucky authorities.